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## Menominee kidnapped in South America



Ingrid Washinawatok

By Yvonne Kaquatosh-Aragon  
MNN Editor and AP

BOGOTA, Colombia (AP) — Three Americans kidnapped by suspected leftist rebels in remote northeastern Colombia last week included Menominee tribal member, Ingrid Washinawatok.

Washinawatok, 41, and colleagues, Lahe'ena'e Gay, the group's director and Terence Freitas, a 24-year-old environmentalist were seized Thursday, February 25th 200 miles from

Bogota by armed men in civilian clothing.

The three Americans, were on a mission to help preserve the cultural identity of the U'wa Indian group according to co-workers and relatives and had spent a week on the U'wa reservation under the auspices of the Hawaii-based Pacific Cultural Conservancy International.

Freitas has worked extensively with the U'wa.

"Their sole mission in Colombia was to learn the conditions and needs of their host, the U'wa people," relatives said Monday in a fax received by The Associated Press.

Larry Brown, the conservation group's manager, said the three were studying the U'wa, who live in remote jungles near the Venezuelan border, to determine whether they might be able to assist them.

"Our types of programs are designed to preserve the cultural integrity of indigenous people—and they are typically educational in nature," Brown said by tele-phone from Hawaii.

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## Tribal members agree on amendments with Kenosha proposal

*Second vote on constitutional amendment may be held within 60 days*

By Mike Wilber  
MNN Reporter

Menominee tribal members once divided over a constitutional amendment required to allow the Kenosha casino project have apparently come to an agreement.

The revised amendment would allow the tribe to be sued over disputes that may arise over business contracts they enter into - a limited waiver of sovereign immunity. The creation of a special off-reservation gaming disputes court was omitted from the

newly proposed amendment.

Disputes would now be settled "in any court of competent jurisdiction," meaning the appropriate tribal, state, or U.S. court.

The second vote on the amendment should come within 60 days, depending on when the U.S. Bureau of Indian Affairs schedules it.

Although the tribe has historically interpreted its constitution to allow itself to be sued, attorneys say it does not expressly allow it. Specific wording waiving immunity for the project is required before the city of Kenosha, the state, and investors would back it.

The original waiver was narrowly

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MNN photo/Yvonne M. Kaquatosh-Aragon

Menominee Tribal School students in grades 6th - 8th enjoyed a day of ice fishing on Round Lake recently. Above, some of the girls proudly display some of the fish that were caught which included a 20" northern pike weighing in at approximately 3 pounds. Additional photos on pg. 4.

## Pyawasit sentenced to 10 years

Thomas P. Schneider, United States Attorney for the Eastern District of Wisconsin, announced that Jason Pyawasit, 19, of Keshena was sentenced in federal court Feb. 25 to 121 months in federal prison without parole by United States District Judge Rudolph T. Randa. Pyawasit was sentenced following a conviction for second degree murder and injury by intoxicated use of a motor vehicle.

All of the charges relate to a drunk driving automobile collision that occurred on the Menominee Indian reservation near Keshena, Wisconsin, on September 26, 1998. Mr. Pyawasit was the driver of an automobile, that collided with a tree. Mr. Pyawasit had a blood alcohol level of .158 based upon Shawano Hospital records based upon blood taken from Pyawasit shortly after the collision. The collision resulted in the death of Brynn Gagnon, a 17-year-old female from Shawano, Wisconsin. Ms. Gagnon suffered massive internal injuries. A second passenger in

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## CASINO:

defeated in a special secretarial election in January. Opponents of the amendment felt the tribe would be giving up too much and that not enough input from tribal members was given.

In a Special General Council meeting on Feb. 20-21, Menominee tribal members met with Kenosha project officials and the Menominee Tribal Legislature. Apesanahkwat, tribal chairman, reiterated that only Article XIII of the constitution will be amended and that allows only revenues from the Kenosha casino, tentatively dubbed 'Paradise Key', to be subject to lawsuit. All other tribal assets are still immune from suit, including the real estate the Kenosha casino will be located on, he said.

Sylvia Wilber and former tribal judge Sarah Skubitz, opponents of the original amendment, said they were satisfied with the revised amendment, which they helped draft. However, they made a motion to form a working group to review the management agreement line-by-line. Wilber said she wants Nii Jii Entertainment, which will manage the casino, to report directly to the Menominee people. "When they report only to the legislature, information gets blocked," she said. Nii Jii agreed to giving two seats on its board of directors to Menominees. They also forgave a \$4 million loan to the tribe for the startup costs, which were used largely for campaigning in the Kenosha referendum last fall in which voters approved casino gambling in their city.

Members of the General Council were also concerned about inconsistencies in the wording of the agreement and wanted elaboration on processes such as Menominee hiring preferences. At the end of the two day meeting, Wilber made a motion to accept the amended management agreement, seconded by Skubitz, that was passed unanimously by the General Council. Wilber said they were satisfied the tribe's interests were protected. "We wanted assurance that Menominees are involved and (the Kenosha casino) will benefit the Menominee people," Wilber said.

"The agreement today is better from having gone through that process," said Michael Roy, attorney for Hobbs & Straus, representing the tribe. "The major change was the reimbursement of the startup expenses. Nii Jii agreed to eat the costs amounting to \$4 million." He also said that Menominee preference issues were made more clear. There is a general provision in the agreement that Menominee contractors be utilized in the construction of the casino.

The College of the Menominee Nation will also be employed as the 'primary source of out-source training', according to the agreement. Dr. Jerilyn Grignon, vice-president of academic affairs for CMN, said they were capable and certified to train for various casino positions and could possibly have a site at the Kenosha casino.

Apesanahkwat called the amended agreement a community effort. "We in government don't have all the answers. Most often answers come from the community." The tribe's Crystal Palace casino

would have to be closed if the Kenosha project proceeds. James Reiter, Menominee Casino general manager, assured that those employees would be absorbed by the main casino, located in Keshena, if a \$10.5 million expansion is done. They would also need to know what the new

"If we need to get a loan (to expand), we'll get a loan," Reiter said. "We have 802 slot machines, our goal is to have no less than 802 slot machines" and retain all employees.

#### KIDNAPPING:

No group claimed responsibility for the abduction as yet, but several leftist rebel bands operate in the area where the three were seized. In Washington, State Department spokesman James Foley said the US Embassy in Bogota was "working vigorously with Colombian authorities to secure their immediate and safe release."

Foley also reiterated a State Department warning against unnecessary travel in Colombia because of the threat of kidnapping and murder of Americans. A U'wa representative who was with the Americans when they were seized, Roberto Afanador, said he suspected the Revolutionary Armed Forces of Colombia, or FARC, the country's oldest and largest rebel group.

Afanador said the FARC frequently enters the U'Wa reserve without permission. "They came to study our culture, our territory," said Afanador. "The indigenous authorities are very upset by this because our territory is not respected. We are humiliated. We are abused." The U'wa, a fiercely proud nation of some 8,000 people, won a legal battle against Occidental Petroleum in 1997 that prevented the Los Angeles-based company from exploratory drilling on traditional U'wa territory.

Gina Washinawatok, a sister on the Menominee reservation has been interviewed by local TV stations out of Wausau and Green Bay. In the interviews, Gina pointed out that waiting to hear (anything) was the hardest. Attempts by Menominee Nation News to speak with Washinawatok were unsuccessful. However, Menominee Nation News will keep our readers informed of further developments.

## PYAWASIT:

the vehicle, Rachel Hensel, also a female from Shawano, Wisconsin, received multiple injuries including a broken right leg, a dislocated left hip and a ruptured spleen.

According to the first two witnesses at the scene. On Saturday, September 26, 1998 at approximately 10:40 p.m., Nicholas Walters and his brother, Neil Walters, came upon an automobile accident on Old South Branch Road on the Menominee Indian reservation. According to Mr. Walters, he was flagged down by an Indian male who stated that there had been a car accident. According to Walters, he and his brother began to help the occupants from the vehicle which appeared to have collided with a tree. The vehicle, a red 1989 Dodge Shadow, had three front seat passengers. According to Mr. Walters, a Native American male was in the driver's seat and two white females were in the passenger's seat. The shoes of the driver were wedged in between the operating pedals of the vehicle and Mr. Pyawasit was the only occupant not found to be wearing shoes.

According to Walters, the dark-haired female in the front passenger's seat had a serious scalp wound and appeared to have lost a great deal of blood. This dark-haired female was later identified as Rachel Hensel. Also seated in the front seat of the vehicle was a blond female who was later identified as Brynn Gagnon. According to Mr. Walters, he and his brother immediately began to perform CPR and mouth-to-mouth on Ms. Gagnon and were able to restore her breathing momentarily but that she eventually stopped breathing and had no pulse. Brynn Gagnon died on September 26, 1998, of the injuries she received from the motor vehicle collision.

Mr. Pyawasit was later interviewed by the FBI and stated that he did not recall being the driver as he was too drunk and could not explain the fact that he was not wearing shoes while being treated at the hospital. Several of the passengers in the auto identified Mr. Pyawasit as the driver and stated that prior to the accident passengers begged Mr. Pyawasit to slow the vehicle, but he refused. Accident reconstruction conservatively estimated the auto speed at 69-72mph. This case was investigated by the Federal Bureau of Investigation, and the Menominee Tribal Police Department and was prosecuted by Assistant United States Attorney Mario F. Gonzales.